

DEFENSE EXHIBIT (I) for idex infection

DEFENSE EXHIBIT (II) for idex infection

DEFENSE EXHIBIT (III) for idex in

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Designed by Abby Kagan

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Iraqi religious leader, which said, in part: "Yes, O Bush, we are the ones who kidnap your soldiers and kill them and burn them. We will continue, God willing, so long as you only know the language of blood and the scattering of remains. Our soldiers love the blood of your soldiers. They compete to chop off their heads. They like the game of burning down their vehicles."

What a freak show this place was. And maybe that was the explanation for the pile of weapons Kauzlarich was looking at, that it deserved no understanding whatsoever.

Weapons in a mosque, including an IED to burn vehicles and kill soldiers.

Unbelievable.

Shadi ghabees. Cooloh khara. Allah ye sheelack.

"Shukran," Kauzlarich said out loud to the general, keeping his other thoughts to himself. He made his way to his Humvee to figure out where to go next and was just settling into his seat when he was startled by a loud burst of gunfire.

"Machine gun fire," he said, wondering who was shooting.

But it wasn't machine gun fire. It was bigger. More thundering. It was coming from above, just to the east, where the AH-64 Apache helicopters were circling, and it was so loud the entire sky seemed to jerk.

Now came a second burst.

"Yeah! We killed more motherfuckers," Kauzlarich said.

Now came more bursts.

"Holy shit," Kauzlarich said.

It was the morning's third version of war.

One minute and fifty-five seconds before the first burst, the two crew members in one of the circling Apaches had noticed some men on a street on Al-Amin's eastern edge. "See all those people standing down there?" one asked.

"Confirmed," said the other crew member. "That open courtyard?"

"Roger," said the first.

Everything the crew members in both Apaches were saying was being recorded. So were their communications with the 2-16. To avoid confusion, anyone talking identified himself with a code word. The crew members in the lead Apache, for example, were Crazy Horse 1-8. The 2-16 person they were communicating with most frequently was Hotel 2-6.

There was a visual recording of what they were seeing as well, and what they were seeing now—one minute and forty seconds before they fired their first burst—were some men walking along the middle of a street, several of whom appeared to be carrying weapons.

All morning long, this part of Al-Amin had been the most hostile. While Tyler Andersen had been under a shade tree in west Al-Amin, and Kauzlarich had dealt with occasional gunfire in the center part, east Al-Amin had been filled with gunfire and some explosions. There had been reports of sniper fire, rooftop chases, and rocket-propelled grenades being fired at Bravo Company, and as the fighting continued, it attracted the attention of Namir Noor-Eldeen, a twenty-two-year-old photographer for the Reuters news agency who lived in Baghdad, and Saeed Chmagh, forty, his driver and assistant.

Some journalists covering the war did so by embedding with the U.S. military. Others worked independently. Noor-Eldeen and Chmagh were among those who worked independently, which meant that the military didn't know they were in Al-Amin. The 2-16 didn't know, and neither did the crews of the Apaches, which were flying high above Al-Amin in a slow, counterclockwise circle. From that height, the crews could see all of east Al-Amin, but the optics in the lead Apache were now focused

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y embedding with ently. Noor-Eldeen ed independently, were in Al-Amin. ws of the Apaches, a slow, countercould see all of east were now focused tightly on Noor-Eldeen, who had a camera strung over his right shoulder and was centered in the crosshairs of the Apache's thirty-millimeter automatic cannon.

"Oh yeah," one of the crew members said to the other as he looked at the hanging camera. "That's a weapon."

"Hotel Two-six, this is Crazy Horse One-eight," the other crew member radioed in to the 2-16. "Have individuals with weapons."

They continued to keep the crosshairs on Noor-Eldeen as he walked along the street next to another man, who seemed to be leading him. On the right side of the street were some trash piles. On the left side were buildings. Now the man with Noor-Eldeen guided him by the elbow toward one of the buildings and motioned for him to get down. Chmagh followed, carrying a camera with a long telephoto lens. Behind Chmagh were four other men, one of whom appeared to be holding an AK-47 and one of whom appeared to be holding a rocket-propelled grenade launcher. The crosshairs swung now away from Noor-Eldeen and toward one of those men.

"Yup, he's got one, too," the crew member said. "Hotel Twosix, Crazy Horse One-eight. Have five to six individuals with AK-47s. Request permission to engage."

It was now one minute and four seconds before the first burst.

"Roger that," Hotel 2-6 replied. "We have no personnel east of our position, so you are free to engage. Over."

"All right, we'll be engaging," the other crew member said.

They couldn't engage yet, however, because the Apache's circling had brought it to a point where some buildings now obstructed the view of the men.

"I can't get them now," a crew member said.

Several seconds passed as the lead Apache continued its slow curve around. Now it was almost directly behind the building that Noor-Eldeen had been guided toward, and the crew members could see someone peering around the corner, looking in their direction and lifting something long and dark. This was Noor-Eldeen, raising a camera with a telephoto lens to his eyes.

"He's got an RPG."

"Okay, I got a guy with an RPG."

"I'm gonna fire."

But the building was still in the way.

"Goddamnit."

The Apache needed to circle all the way around, back to an unobstructed view of the street, before the gunner would have a clean shot.

Ten seconds passed as the helicopter continued to curve.

"Once you get on it, just open-"

Almost around now, the crew could see three of the men. Just a little more to go.

Now they could see five of them.

"You're clear."

Not quite. One last tree was in the way.

"All right."

There. Now all of the men could be seen. There were nine of them, including Noor-Eldeen. He was in the middle, and the others were clustered around him, except for Chmagh, who was on his cell phone a few steps away.

"Light 'em all up."

One second before the first burst, Noor-Eldeen glanced up at the Apache.

"Come on-fire."

The others followed his gaze and looked up, too.

The gunner fired.

It was a twenty-round burst that lasted for two seconds.

"Machine gun fire," Kauzlarich said quizzically, a half mile away, as the sky seemed to jerk, and meanwhile, here in east Al-Amin, street blew dead or ne Noor-Elde

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· two seconds. zically, a half mile while, here in east Al-Amin, nine men were suddenly grabbing their bodies a. street blew up around them, seven were now falling to the ground dead or nearly dead, and two were running away—Chmagh and Noor-Eldeen.

The gunner saw Noor-Eldeen, tracked him in the crosshairs, and fired a second twenty-round burst, and after running perhaps twelve steps, Noor-Eldeen dove into a pile of trash.

"Keep shooting," the other crew member said.

There was a two-second pause, and then came the third burst. The trash all around where Noor-Eldeen lay facedown erupted. A cloud of dirt and dust rose into the air.

"Keep shooting."

There was a one-second pause, and then came the fourth burst. In the cloud, Noor-Eldeen could be seen trying to stand, and then he simply seemed to explode.

All of this took twelve seconds. A total of eighty rounds had been fired. The thirty-millimeter cannon was now silent. The pilot was silent. The gunner was silent. The scene they looked down on was one of swirling and rising dirt, and now, barely visible as some of the swirling dirt began to thin, they saw a person who was taking cover by crouching against a wall.

It was Chmagh.

He stood and began to run. "I got him," someone said, and now he disappeared inside a fresh explosion of dirt, which rose and mingled with what was already in the air as the Apaches continued circling and the crew members continued to talk.

"All right, you're clear," one said.

"All right, I'm just trying to find targets again," another said.

"We have a bunch of bodies laying there."

"All right, we got about eight individuals."

"Yeah, we definitely got some."

"Yeah, look at those dead bastards."

"Good shooting."

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"Thank you."

The smoke was gone now and they could see everything clearly: the main pile of bodies, some prone, one on haunches, one folded into impossible angles; Noor-Eldeen on top of the trash; Chmagh lying motionless on his left side.

"Bushmaster Seven, Crazy Horse One-eight," they radioed to Bravo Company, whose soldiers were on their way to the site. "Location of bodies Mike Bravo Five-four-five-eight-eight-six-oneseven. They're on a street in front of an open courtyard with a bunch of blue trucks, a bunch of vehicles in a courtyard."

"There's one guy moving down there, but he's wounded," someone now said, looking down, scanning the bodies, focusing on Chmagh.

"This is One-eight," the crew member continued on the radio. "We also have one individual who appears to be wounded. Trying to crawl away."

"Roger. We're gonna move down there," Bravo Company replied.

"Roger. We'll cease fire," the Apache crew responded and continued to watch Chmagh, still alive somehow, who in slow motion seemed to be trying to push himself up. He got partway and collapsed. He tried again, raising himself slightly, but again he went down. He rolled onto his stomach and tried to get up on his knees, but his left leg stayed extended behind him, and when he tried to lift his head, he could get it only a few inches off the ground.

"Do you see a shot?" one of the crew members said.

"Does he have a weapon in his hands?" the other said, aware of the rules governing an engagement.

"No, I haven't seen one yet."

They continued to watch and to circle as Chmagh sank back to the ground.

"Come on, buddy," one of them urged.

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"All you gotta do is pick up a weapon," another said.

Now, as had happened earlier, their circling brought them behind some buildings that obstructed their view of the street, and when they were next able to see Chmagh, someone they had glimpsed running up the street was crouching over him, a second man was running toward them, and a Kia passenger van was approaching.

"Bushmaster, Crazy Horse," they radioed in urgently. "We have individuals going to the scene. Looks like possibly picking up bodies and weapons. Break—"

The van stopped next to Chmagh. The driver got out, ran around to the passenger side, and slid open the cargo door.

"Crazy Horse One-eight. Request permission to engage."

Ready to fire, they waited for the required response from Bravo Company as two of the passersby tried to pick up Chmagh, who was facedown on the sidewalk. One man had Chmagh by the legs. The second man was trying to turn him over onto his back. Were they insurgents? Were they people only trying to help?

"Come on! Let us shoot."

Now the second man had hold of Chmagh under his arms.

"Bushmaster, Crazy Horse One-eight," the Apache said again.

But there was still no response as the driver got back in his seat and the two men lifted Chmagh and carried him around the front of the van toward the open door.

"They're taking him."

"Bushmaster, Crazy Horse One-eight."

They had Chmagh at the door now.

"This is Bushmaster Seven. Go ahead."

They were pulling Chmagh to his feet.

"Roger, we have a black bongo truck picking up the bodies. Request permission to engage."

They were pushing Chmagh into the van.

"This is Bushmaster Seven. Roger. Engage."

He was in the van now, the two men were closing the door, and the van was beginning to move forward.

"One-eight, clear."

"Come on!"

A first burst.

"Clear."

A second burst.

"Clear."

A third burst.

"Clear."

Ten seconds. Sixty rounds. The two men outside of the van ran, dove, and rolled against a wall as some of the rounds exploded around them. The van continued forward a few yards, abruptly jerked backward, crashed into the wall near the men, and was now enveloped in smoke.

"I think the van's disabled," a crew member said, but to be sure, now came a fourth burst, a fifth, and a sixth—ten more seconds, sixty more rounds—and that, at last, was the end of the shooting.

Now it was a matter of waiting for Bravo Company's soldiers to arrive on the scene, and here they came, in Humvees and on foot, swarming across a thoroughly ruined landscape. The battle-field was theirs now, from the main pile of bodies, to the trash pile with Noor-Eldeen, to the shot-up houses and buildings, to the van—inside of which, among the bodies, they discovered someone alive.

"Bushmaster Six, Bravo Seven," a Bravo Company soldier called over the radio. "I've got eleven Iraqi KIAs, one small child wounded. Over."

The Apache crews were listening.

"Ah, damn," one of them said.

"We need to evac this child," Bravo Seven continued. "She's

got a wound to the b to get evac'd. Over."

"Well, it's their is crew member said.

"That's right," the continued to circle ar

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And then they flew and more Bravo Compa March, the soldier who had climbed a guard to said quietly and nervou an IED in all this shit."

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continued. "She's

got a wound to the belly. Doc can't do anything here. She needs to get evac'd. Over."

"Well, it's their fault for bringing their kids to a battle," a crew member said.

"That's right," the other said, and for a few more minutes they continued to circle and watch.

They saw more Humvees arriving, one of which drove up onto the trash pile, right over the part containing what was left of Noor-Eldeen's body.

"That guy just drove over a body."

"Did he?"

"Yeah."

"Well, they're dead, so-"

They watched a soldier emerge from the van cradling the wounded girl and run with her in his arms to the army vehicle that was going to evacuate her to a hospital.

They watched another soldier emerge from the van a few minutes later cradling a second wounded child, this one a little boy who had been discovered under a body presumed to be his father's, which was draped over the boy, either protectively or because that was how a dead man happened to fall.

And then they flew on to another part of Al-Amin as more and more Bravo Company soldiers arrived, one of whom was Jay March, the soldier who on the battalion's very first day in Iraq had climbed a guard tower, peeked out at all of the trash, and said quietly and nervously, "We ain't ever gonna be able to find an IED in all this shit."

Since then, March had learned how prophetic he was, especially on June 25, when an EFP killed his friend Andre Craig, Jr. Craig's memorial service had been on July 7, and now, five days later, as March saw all of the bodies scattered around, blown open, insides exposed, so gruesome, so grotesque, he felt—as he would later explain—"happy. It was weird. I was just really

very happy. I remember feeling so happy. When I heard they were engaging, when I heard there's thirteen KIA, I was just so happy, because Craig had just died, and it felt like, you know, we got 'em."

As the Apaches peeled off, he and another soldier went through a gate in the wall that the van had crashed into and against which Chmagh had tried to take cover.

There, in the courtyard of a house, hidden from street view, they found two more injured Iraqis, one on top of the other. As March looked closer at the two, who might have been the two who had been lifting Chmagh into the van, who as far as March knew had spent the morning trying to kill American soldiers, he realized that the one on the bottom was dead. But the one on top was still alive, and as March locked eyes with him, the man raised his hands and rubbed his two forefingers together, which March had learned was what Iraqis did when they wanted to signal the word *friends*.

So March looked at the man and rubbed his two forefingers together, too.

And then dropped his left hand and extended the middle finger of his right hand.

And then said to the other soldier, "Craig's probably just sitting up there drinking beer, going, 'Hah! That's all I needed.'"

And that was the day's third version of war.

As for the fourth version, it occurred late in the day, back on the FOB, after Kauzlarich and the soldiers had finished their work in Al-Amin.

They knew by now about Chmagh and Noor-Eldeen.

They had brought back Noor-Eldeen's cameras and examined the images to see if he was a journalist or an insurgent. They had g Apaches and ha They had lo AK-47s and a ro Iragis.

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s and examined argent.

They had gotten the video and audio recordings from the Apaches and had reviewed them several times.

They had looked at photographs taken by soldiers that showed AK-47s and a rocket-propelled grenade launcher next to the dead Iraqis.

They had reviewed everything they could about what had prefaced the killings in east Al-Amin, in other words—that soldiers were being shot at, that they didn't know journalists were there, that the journalists were in a group of men carrying weapons, that the Apache crew had followed the rules of engagement when it fired at the men with weapons, at the journalists, and at the van with the children inside—and had concluded that everyone had acted appropriately.

Had the journalists?

That would be for others to decide.

As for the men who had tried to help Chmagh, were they insurgents or just people trying to help a wounded man?

They would probably never know.

What they did know: the good soldiers were still the good soldiers, and the time had come for dinner.

"Crow. Payne. Craig. Gajdos. Cajimat," Kauzlarich said on the walk to the DFAC. "Right now? Our guys? They're thinking, 'Those guys didn't die in vain. Not after what we did today.'"

Inside the DFAC, the TVs were tuned to Bush's press conference, which had begun in Washington just a few minutes before.

"Our top priority is to help the Iraqis protect their population," Bush was saying, "so we've launched an offensive in and around Baghdad to go after extremists, to buy more time for Iraqi forces to develop, and to help normal life and civil society take root in communities and neighborhoods throughout the country. "We're helping enhance the size, capabilities, and effectiveness of the Iraqi security forces so the Iraqis can take over the defense of their own country," he continued. "We're helping the Iraqis take back their neighborhoods from the extremists . . ."

This was the fourth version of war.

Kauzlarich watched as he ate. "I like this president," he said.

leven tackle Fo sitting in a d located on a but he shook him and dov his back. The soldiers had drink of chc called Boom quickly over toon, lifted h for the slaps and yelled ar Open-hande until he was entire midse they stop and